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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

EMERGING ACQUISITIONS, LLC  
(d/b/a Bulk Handling Systems),

Plaintiff,

v.

LESLIE WELLS in her official capacity  
as the Deputy Director of the Santa  
Barbara County Resource Recovery and  
Waste Management Division; SANTA  
BARBARA COUNTY; MUSTANG  
RENEWABLE POWER VENTURES,  
LLC; and VAN DYK BALER CORP.  
(d/b/a Van Dyk Recycling Solutions),

Defendants.

Case No.: 8:23-cv-00329-CJC-ADS

**DEFENDANTS' NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

Hearing Date: August 5, 2024  
Time: 3:00 p.m.  
Judge: Honorable Cormac J. Carney  
Courtroom: Santa Ana – 9B

**TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that, on August 5, 2024 at 3:00 p.m., or as soon thereafter as the matter can be heard in Courtroom 9B before the Honorable Cormac C. Carney of the above-entitled Court, located at 411 West Fourth Street, Santa Ana, California 92701-4516, Defendants Leslie Wells; Santa Barbara County; Mustang Renewable Power Ventures, LLC; and Van Dyk Baler Corp. (collectively, “Defendants”), pursuant to Federal Rule of Civil Procedure 56, will and hereby do move the Court for summary judgment of non-infringement of the Asserted Patents.

First, Defendants move for summary judgment of non-infringement of the Asserted Patents because each Asserted Claim requires Municipal Solid Waste (“MSW”) that includes “recyclable MSW items,” and the “recyclable MSW items” include “non-shredded” paper, cardboard, plastic containers, and metal containers. It is undisputed that the MSW Line of the Accused Instrumentality shreds all incoming MSW prior to entering the air drum separator of the Accused Instrumentality, and therefore cannot infringe the Asserted Claims.

Second, Defendants move for summary judgment of non-infringement of the Asserted Patents because each Asserted Claim requires separation of recyclable materials from MSW. Plaintiff’s alternative infringement theory accuses the Accused Instrumentality’s single-stream line of infringement. But the single-stream line only processes source-separated recyclable materials (i.e., single-stream), not MSW. Therefore, Defendants cannot infringe the Asserted Claims under this theory either.

This Motion is based upon this Notice and Motion, the accompanying Memorandum of Points and Authorities, all pleadings and documents concerning this matter contained in the Court’s file, any other matter of which this Court may take judicial notice, and such further evidence and oral arguments as may be presented at the hearing of this Motion.

The Motion is made following the conference of counsel, pursuant to L.R. 7-3.

1 DATED: May 30, 2024

GREENBERG TRAURIG, LLP

2 By: /s/ Jonathan D. Ball  
Jonathan D. Ball

3 *Attorney for Defendants*  
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8 **CERTIFICATE OF SERVICE**

9 The undersigned certifies that on this 30th day of May 2024, all counsel of record  
10 who are deemed to have consented to electronic service are being served with a copy of  
11 this document through the Court's CM/ECF system under Local Rule CV-5(a)(3).  
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13 /s/ Jonathan D. Ball  
Jonathan D. Ball  
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